

SECTION 10

CORRESPONDENCE

Yvonne Galletta

Subject: FW: Expansion of my September 22nd comments to the Santa Clara Charter Review Committee

Attachments: Portland-Mayoral-Sample-Ballot.pdf



Portland-Mayora
l-Sample-Ballot...

-----Original Message-----

From: Steve Chessin [mailto:steve.chessin@gmail.com] On Behalf Of Steve Chessin
Sent: Friday, September 23, 2011 9:43 PM
To: Manager
Cc: Clerk
Subject: Expansion of my September 22nd comments to the Santa Clara Charter Review Committee

To the members of the Charter Review Committee and supporting City Staff:

I would like to expand on the comments I made at the September 22nd Charter Review Committee (CRC) meeting. I made four points, which I expand on here.

1. The minutes of the September 1st meeting contain this sentence under item 7, where it is reporting on my presentation to the CRC:

"He referred to a book, 'To Keep Or Change First Past The Post? The Politics of Electoral Reform' as a good reference."

That is not the book I referred to. In fact, I am not familiar with that book, and had not heard of it until I read its title in the minutes. I do not know if it will be useful to you or not.

The books I did refer to are these:

Amy, Doug; "Behind the Ballot Box: A Citizen's Guide to Voting Systems"; Praeger Publishing; Westport, Connecticut; 2000. It is available at
http://www.mtholyoke.edu/acad/polit/damy/OrderDesk/behind_the_ballot_box.htm

Reynolds, Andrew, and Reilly, Ben; "The International IDEA Handbook of Electoral System Design"; International Institute for Democracy and Electoral Assistance; Sweden; 1997. An updated version of this book is available free online at
<http://www.idea.int/publications/esd/index.cfm>

I respectfully request that you correct the minutes.

2. The presentation by the Registrar of Voters' office indicated that they could not handle an election using either cumulative voting or the Choice Voting form of proportional representation. (I note that they did not comment on either the Open List or Closed List forms of proportional representation that I presented to you.) During my September 1st presentation I described how the Registrar's office could perform a partial tally of cumulative voting ballots, with the final totals calculated by the City Clerk. I do not know if they discussed this option with their vendor, but I presume not, as I know of no technical nor legal barrier to the procedure I described.

In any event, Santa Clara is not required to use the Registrar of Voters; it can contract with an outside vendor. I gave the example of Portland, Maine, which is using instant runoff voting (IRV, the single-winner cousin of Choice Voting) for the first time to elect their Mayor this November. (I've attached a sample ballot.) As their equipment cannot tally these ballots, they have contracted with

TrueBallot to do so. TrueBallot is charging them \$20,000.

Portland is about half the size of Santa Clara, so scaling up the equivalent cost would be \$40,000. This is half of the amount the Registrar apparently charges Santa Clara for tallying your ballots.

The Registrar's presentation also referred to the Secretary of State's guidelines on instant runoff voting (IRV), and quoted from the County Counsel's Impartial Analysis of Measure F, the November 1998 charter amendment that enabled Santa Clara County to use IRV. First, the Secretary of State's guidelines are just that: guidelines, not regulations. As a charter city, Santa Clara has plenary authority to follow or not follow those guidelines. Second, the complete quote from the Impartial Analysis is this:

"The current Poll Star voting system used in the County cannot accommodate IRV since it is unable to distinguish between voter first and second choices."

I believe Mr. Chantri omitted the words "Poll Star", letting the listener infer that the reference was to the existing optical scan system. The Poll Star system was a punch card system which would have been hard-pressed to support IRV. The current optical scan system is similar to that used by San Francisco and Alameda County; in fact, it is written into the contract with Sequoia that, should Santa Clara County decide to use IRV, Sequoia (or any successor, such as Dominion) has to provide any needed software upgrades for free.

Of course, the Sequoia system would limit the number of rankings to three. The TrueBallot system, as the attached sample ballot shows, does not. That the Registrar of Voters is, or claims to be, unable to accommodate proportional representation or cumulative voting should not be an obstacle to Santa Clara's use of those systems.

3. Perhaps because the assumption was made that you would only be considering the current numbered seat system versus a district system, you were originally allocated a woefully inadequate number of meetings to fulfill the charge given you by the City Council. By way of comparison, the Charter Review Committee of the City of Albany, California, is also considering a change to their electoral system. The Albany CRC is a permanent committee; they meet as necessary to consider items referred to them by the City Council, or generated internally.

Thus, when they do convene, they are already familiar with the Brown Act and the other legal constraints on appointed committee members, as well as familiar with city staff and each other. That means they do not need to spend valuable meeting time on those topics when they reconvene to consider a new topic.

The Albany CRC is using Doug Amy's book (see (1) above) to guide their consideration of electoral systems. They are devoting two 90-minute meetings to consider and choose criteria for evaluating electoral systems, two more meetings to consider electoral systems themselves and evaluate them against the chosen criteria, and a fifth meeting to decide which system to recommend to the City Council. Of course, should they need more time, they are free to grant themselves such. It is also a smaller committee (only five members), so deliberations won't take as long as they will with a sixteen-member committee. In addition, four of the five are already familiar with alternatives to plurality elections, having received a presentation on them in 2009. (Two of the four attended a similar presentation in 2008.)

I am glad you are extending your meeting time to two hours. I hope you schedule the additional meetings you will need for full discussion of the alternatives before you. Santa Clara deserves no less.

4. On September 1st I gave you a half-hour version of my standard one-hour talk on proportional representation and cumulative voting. Of necessity I had to cut important material related to the reasons why one would want to consider a change to a proportional or semi-proportional system.

I am pleased to inform you that the one-hour talk I gave to the Citizens' Advisory Committee (CAC) on August 22nd was recorded. A DVD of that talk has been made, which I distributed at the September 22nd meeting. It is also available for streaming from <http://blip.tv/stevechessin/pr-and-cv-for-santa-clara-5576943> (If you did not receive a DVD at the September 22nd meeting, please let me know and I will be happy to provide you with one.)

If you did not attend that talk, I strongly urge you to view the DVD. It will help you be more knowledgeable about the systems you are considering. It will also help you fulfill the CRC's desire, expressed at your first meeting, that each member be presented with the same information, as four CRC members did attend that CAC meeting, including two who are not CAC members.

Sincerely,

--Steve Chessin

President, Californians for Electoral Reform www.cfer.org steve.chessin@cfer.org

1426 Lloyd Way, Mountain View, CA 94040

(408) -276-3222 (w), (650) -962-8412 (h)

Official Ballot

General Municipal Election

Portland, Maine

November 8, 2011

Katherine Jones
CITY CLERK

- A. To vote, complete the oval(s) ☐ next to your choice(s), like this: ☒
- B. Rank Candidates for Mayor in order of choice, see special instructions below.
- C. To vote for a write-in candidate, write the person's name in the write-in space and fill in an oval next to the name.
- D. If you make a mistake, do not erase; ask for a new ballot.

No more than one oval per column. No more than one oval per candidate.

For Mayor

Four Year Term

(Rank candidates in order of choice)

	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice	7th Choice	8th Choice	9th Choice	10th Choice	11th Choice	12th Choice	13th Choice	14th Choice	15th Choice
Bragdon, Charles E. 31 Munjoy South	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brennan, Michael F. 49 Wellington Road	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bryant, Peter G. 18 Back Cove Estates #18	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Carmona, Ralph C. 105 North Street #1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dodge, Richard A. 1281 Forest Avenue	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Duson, Jill C. 101 Pennell Avenue	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Eder, John M. 101 Gray Street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Haadoow, Hamza A. 1 Coast Lane	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lapchick, Jodie L. 7 Cushman Street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marshall, David A. 41 Pine Street #1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mavodones, Nicholas M. Jr. 79 Cheney Street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Miller, Markos S. 17 Atlantic Street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rathband, Jed 9 Everett Street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strimling, Ethan K. 211 Spring Street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vail, Christopher L. 1119 Washington Avenue	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write-in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Special Instructions: Rank Candidates for Mayor in order of choice.

- Fill in the first oval to the right of your 1st choice candidate.
- Fill in the second oval to the right of your 2nd choice candidate.
- Continue until you have ranked all of your choices.
- You may rank as many or as few candidates as you wish.
- Fill in no more than one oval per candidate.
- Fill in no more than one oval per column.

PLEASE CONTINUE VOTING ON OTHER SIDE

Yvonne Galletta

From: on behalf of Jashma Kadam
Subject: FW: Charter Review Committee - Alternative Voting Methods
Attachments: Section 10 - Correspondence CfER.pdf; Charter Review 9-1-11 Agenda.doc

From: Terry Reilly [mailto:twreilly@gmail.com]
Sent: Thursday, September 01, 2011 2:49 PM
To: Jashma Kadam
Subject: Charter Review Committee - Alternative Voting Methods

City Manager and Cris Evans, (please provide to the Charter commission)

I understand Cris will be briefing the Committee on various Alternative Voting Methods. He should know of the recent study the League of Women Voters San Jose/Santa Clara completed which looked very closely at Ranked Choice Voting (AKA Instant Runoff Voting).

Attached is a pdf of their web page describing the study:

RCV has was used in Alameda County for the first time, and immediately there were reports of problems with disadvantaged groups having problems.

Subsequently, the United States Justice Department Civil Rights Division brought action for Voting Rights Act violations which included not providing enough support for Spanish and Chinese speakers. Their claims are clearly laid out in this court document:

Santa Clara County is required by Law to provide assistance in 5 languages - English, Spanish, Vietnamese, Chinese and Tagalog. To mount an education campaign for RCV or any alternative voting system would require a tremendous amount of money, if it could be done at all.

I hope the Charter Commission will not consider any Alternative Voting Systems, and stick with "one person, one vote". This method is understood by all.

Best Regards,

Terry Reilly

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9/29/2011

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HOME
PRESIDENT'S MESSAGE
CALENDAR
WINNING THE VOTE EVENT
LUNCH WITH LEAGUE
RCV/IRV STUDY GROUP
ELECTED OFFICIALS
LEAGUE POSITIONS
ACTION AND ADVOCACY
ELECTIONS AND VOTING
ABOUT LWV
JOIN LWV
DONATE TO US
CONTACT US

Study Group on an Alternative Voting System

The League study on Instant Runoff/Ranked Choice Voting

What are the Pros and Cons of Instant Runoff Voting or Ranked Choice Voting?

Results. Instant Runoff/Ranked Choice Voting System. Lee Price on RCV. Study Results. Consensus Questions for Discussion.

Results of the Consensus Meeting

On March 30, 2011 The San Jose/Santa Clara League of Women Voters met to review the findings from their study of the Instant Runoff/Ranked Choice Voting System. This Study focused on the practical and documented results of elections in the US that have used this system. Focusing on larger cities that have implemented IRV/RCV, the study included numerous interviews with election officials and Leagues in the selected cities as well as an intensive review of the election results of the November 2010 elections that implemented IRV/RCV in Alameda and San Francisco Counties.

Following the study review the 21 participants discussed the results and came to Consensus on the following questions:

Should the League of Women Voters of San Jose/Santa Clara support the use of the RCV/IRV voting system for the Mayor and City Council positions for the City of San Jose?

Consensus: It was the consensus of the meeting that LWV SJ/SC should not support a change in the current system.

The reasons most cited included:

- Given current election equipment that only allows the voter to rank three candidates, a candidate in a RCV/IRV election could "win" with a plurality rather than a majority of the total votes cast in that election.
- Members preferred a majority voting system (50% +1) in which the person elected received the majority of total votes cast, not simply a majority of votes remaining in the final round.
- RCV/IRV ballots and the system itself would be too confusing.
- The current system, with a runoff in close, multi-candidate races, allows the voter more time and opportunity to focus on the final two candidates.

A small minority of those present preferred the RCV/IRV system, with the caveat that it should be a true RCV/IRV system, meaning all candidates would be ranked. Reasons included:

- Shorter period for campaigning.
- Since the November election has a higher turnout of voters, races would be decided by a greater number of voters.

BACKGROUND QUESTIONS AND DISCUSSION:

Does the RCV/IRV system save the cities money on elections? Will it save San Jose money on elections?

- It was noted that the County would need to purchase scanners to check ballots for errors in marking the ballots.
- However, 68% of voters vote by mail-in ballot and the scanners would have no effect on those ballots.
- There would be ongoing education costs in addition to start-up costs.
- The City would pay for one less election a year (the June primaries.)

Consensus: Question cannot be answered as it is impossible to predict savings versus new costs.

Does the RCV/IRV system save money (and the need for more fund raising) for candidates and campaign committees?

- To garner the 2nd/3rd vote, candidates would need to reach all voters rather than targeting specific voters. This could increase their cost.
- The shorter election cycle could decrease costs.

Consensus: While the system would probably save candidates money, the shorter cycle could also mean voters were less informed about the candidates.

Does the RCV/IRV system produce more civil campaigns (or reduce negative campaigning)?

Consensus: There is a strong possibility that they would do so, however San Jose elections tend to be civil.

Does the RCV/IRV system increase voter turnout and participation in elections?

Consensus: The system takes advantage of those voting in November rather than increasing the November turnout.

Does the RCV/IRV system disenfranchise voters whose ballot is eliminated (exhausted) before the final round? How important is the use of a majority? Is this system better than the current system? Discussion of these questions quickly became part of the discussion about the consensus question itself. Members strongly favored a winner selected by the majority of total votes cast, not the majority of unexhausted ballots.

Introduction to the Study

Is there an alternative system for voting that would ensure greater voter confidence and involvement plus address other stated League policies about governance?

This year, our the San Jose/Santa Clara league is asking that question as it conducts a study of one such alternative system which is being used in several cities and towns in the U.S, as well as in other countries. This system is called "Instant Run-off Voting," (IRV) or "Ranked Choice Voting" (RCV). IRV/RCV has been used in San Francisco since 2004, and in November 2010 for the first time, it was used in Oakland.

Our League's involvement and decision to conduct a study was prompted by the City of San Jose's consideration of implementing IRV/RCV for council and mayoral elections. Programs chair, Virginia Holtz, felt that our local league should conduct its own study and be prepared to make a recommendation should the City of San Jose decide to vote on whether or not to implement IRV/RCV. Since summer 2010, a seven-member study committee co-chaired by Pat Reardon and Gloria Chun Hoo, with members Virginia Holtz, Trixie Johnson, Norah Casner, Richard Cress and Peter Szebo, have been meeting regularly.

IRV/RCV is complex and relatively new. Results have been interesting and the opportunity to think about election reform, the wide range of thinking about how to make voting more accessible and fair has generated much discussion among Study Group members. Members of the group are studying the experiences of other cities which have used IRV/RCV, looking at election data, costs and participation of voters. "We want this to be about data, not subjective or emotional responses," noted Pat Reardon.

Why a separate study on IRV/RCV? Any new voting reform system should be studied and viewed in light of the local conditions and needs. Santa Clara County (which operates San Jose's elections) has its ballot translated into five languages, and a high percentage of permanent voters use mail-only ballots. Races for San Jose mayor and council members are nonpartisan, and represent specific districts.

In 2005, our league joined with four other Santa Clara County leagues (Cupertino/Sunnyvale, Los Altos/Mountain View, Southwest Valley and Palo Alto) to adopt a county-wide policy recommending IRV for electing members to the Santa Clara Board of Supervisors, and supported a measure on the ballot which allows the county to consider implementing IRV. To date, however, IRV has not been used in this county.

The IRV/RCV Study Group is more than half-way through its study, having interviewed election officials in San Francisco; Minneapolis; King County, WA; and Alameda County, as well as proponents of IRV and opponents of IRV, and League members from those cities which have implemented IRV/RCV. The study group decided to focus its research on larger cities more comparable in size and complexity to San Jose.

Our findings and list of resources will be posted on our website and members will be invited to learn more about this new voting system that has seen both passionate supporters and detractors. A consensus meeting will be scheduled for late March and members of the IRC/RCV Study Group will present their findings.

Lee Price City Clerk City of San Jose addresses Lunch With League

On October 21st 2010, Lee Price, City Clerk City of San Jose spoke at Lunch With League regarding Ranked Choice Voting. You can watch this interesting presentation here: <http://vimeo.com/17194782>

Study Consensus Meeting

For the first time, voters in Oakland, Berkeley and San Leandro voted in a new manner when they went to the election polls in November 2010. In the elections for mayor and several other offices, voters chose their favorite candidate from a large list of candidates. But, they also voted for their #2 and #3 choice as well. Like San Francisco, voters in those three cities used a new system called Instant Runoff Voting (IRV) which is also called Rank Choice Voting (RCV). The difference between IRV/RCV election system and the current system is that IRV/RCV selects a winner in a single election.

Members of the League of Women Voters San Jose/Santa Clara Study Group have been watching bay area elections closely as voters in some cities work to understand IRV/RCV and to answer the question: Should San Jose also change its elections and use IRV/RCV to elect its mayor and city council members?

Over the past few months the committee has interviewed election officials and other interested parties in several cities with experience with IRV/RCV. The interviews included San Francisco, Alameda County, Minneapolis, Pierce County, WA, and Oakland. These cities were chosen because their size and the complexity of their populations are very similar to San Jose.

The Study Group wanted to know why these cities decided to adopt this new voting system, the research they had done, the mechanism used and the one-time as well as on-goings costs for implementation. The group was also interested in the structure of the ballot and the outreach and costs to educate voters. Also included in the interviews were discussions on voter confusion, reporting results, changes in voter participation, ballot errors or disenfranchisement of voters. The study is also examining if there are noticeable changes in the behaviors of candidates or the tone of elections. These are all interesting questions for the Study Group about a topic central to our democracy.

The study also discovered that several cities/towns which tried IRV/RCV, such as Pierce County, WA have repealed it. The Study Group also wanted to know what their experience was and why voters chose not to continue its use. IRV/RCV is still a relatively new voting system with strong advocates and detractors.

Members of the League will learn the results of the study at the upcoming March 30 Consensus Meeting. This evening meeting provides an opportunity for members to learn about this new voting system that is being tested and used in many cities and to help determine whether our local League should support its implementation in San Jose.

To learn more about IRV/RCV there are many resources and members are encouraged to study and explore before the Consensus Meeting.

Additional Study Resources

Shelby County, TN (pop. 920,000) to vote on new metro government. Commission votes unanimously for IRV elections: <http://tinyurl.com/2cnf9to>

UK: More than 4 million voters expected in Labor Party's leadership election with alternative vote (IRV): <http://tinyurl.com/3via2uh>

Want alternative voting? Tom Tancredo jumps into Colorado governor's race on third party line. Withers blogs: <http://tinyurl.com/29bvdmq>

Instant runoff in Alabama: Birmingham News runs timely oped by FairVote's Alec Slatky: <http://tinyurl.com/2cy6v7n>

Fivethirtyeight.com's Sexton profiles Australia elections with instant runoff voting & how pollsters handle IRV: <http://tinyurl.com/39otahm>

UK bill to have referendum just on alternative vote (IRV) is introduced. <http://tinyurl.com/2ckv7fp> / <http://tinyurl.com/29vop6r>

Hendrik Hertzberg on how instant runoff voting stands up well in comparison to other 1-winner voting systems: <http://tinyurl.com/37tv3lk>

http://wiki.electorama.com/wiki/Instant-runoff_voting

<http://wikibln.org/articles/Instant-runoff-voting-controversies.html>

Minnesota Public Radio <http://www.youtube.com/watch?v=SSLQXNpzsk>

Minnesota Public Radio <http://www.youtube.com/watch?v=INxwMdI8OWw&feature=channel>

SJ Voter <http://www.youtube.com/watch?v=5ZGTnp3cgFY>

Willie Brown <http://www.youtube.com/watch?v=hUOzGTvnKIY>

New America Website <http://www.newamerica.net/>

City of Minneapolis <http://www.ci.minneapolis.mn.us/elections/RCV-Historical-Files.asp>

Maine LWV concurrence study <http://www.lwvme.org/files/lwvmeIRV.pdf>

PBS TV on Oakland races http://www.pbs.org/newshour/bb/politics/july-dec10/oakland_11-19.html

How Preferential Voting works in Australia: <http://www.abc.net.au/btn/story/s2960412.htm>

<http://blogs.sos.wa.gov/FromOurCorner/index.php/2009/11/pierce-voters-nix-ranked-choice-voting/>

Report from the Washington Secretary of State
http://wvl.secstate.wa.gov/osos/en/VotingSystems/Dominion/2008/Documents/rank_choice2009_06.pdf

San Francisco Department of Elections: Results November 2, 2010
<http://sfelections.org/results/20101102/>

Alameda County Registrar of Voters: Results November 2, 2010 <http://www.acgov.org/rov/rcv/results/>

More Reading:

Gaming the Vote - Why Elections Aren't Fair (And What We Can Do About It) book by William Poundstone, Hill and Poundstone, 2008

"Win or Lose" article by Anthony Gottlieb, New Yorker Magazine, July 26, 2010

University of Vermont - Vermont Legislative Research Shop - "Instant Runoff Voting" an Assessment Prepared by Anthony Gierzynski, Associate Professor of Political Science, University of Vermont

League Study and other Papers: An Evaluation of Major Election Methods And Selected State Election Laws Fall 2000 --- By The League of Women Voters of Washington, Education Fund

Evaluating Ranked Choice Voting in the 2009 Minneapolis Elections: A report for the Minneapolis Elections Department by David Schultz & Kristi Rendahl An Assessment of Rank Choice Voting's Debut In Pierce County, WA A Research Report of The Washington Poll By: Loren Collingwood1, Todd Donovan2, and Matt Barreto3 June 8, 2009

Major Election Systems and their Relevance to the State of Arizona Fall 2002 League of Women Voters @ of Metropolitan Phoenix

Consensus Questions for Discussion

On March 30th the San Jose Santa Clara League of Women Voters will meet for a Consensus Meeting to discuss the results of the League Study on the Instant Runoff/Ranked Choice Voting system. We look forward to a robust discussion that will precede our consensus vote on this timely topic. Please join us for this lively and informative evening.

6:00 March 30th, 2011, Willow Glen Library, 1157 Minnesota Avenue, San Jose, CA 95125

Study Consensus Questions for final discussion are:

Does the RCV/IRV system save the cities money on elections? Will it save San Jose money on elections?

Does the RCV/IRV system save money (and the need for more fund raising) for candidates and campaign committees?

Does the RCV/IRV system produce more civil campaigns (or reduce negative campaigning)?

Does the RCV/IRV system increase voter turnout and participation in elections?

Does the RCV/IRV system disenfranchise voters whose ballot is eliminated (exhausted) before the

final round?

How important is the use of a majority?

Does RCV/IRV's use of the majority achieved in the final round compare favorably with the current SJ charter requirement for a winner to have 50% plus 1 of the votes cast?

Is this system better than the current system?

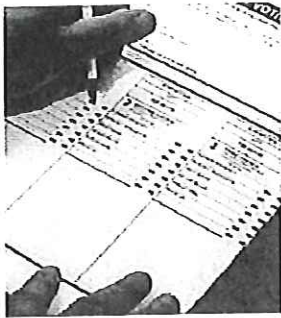
Should the League of Women Voters San Jose/Santa Clara support the use of RCV/IRV voting system for the Mayor and City Council positions for the City of San Jose?

Comments, suggestions, questions? Contact our webmaster. Last revised: June 4, 2011 13:41 PDT.

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Confusion about Oakland's voting system may have affected election results

November 8, 2010 | [Lance Williams \(/user/lance-williams\)](#)



Alameda County Registrar of Voters
The ranked-choice ballot has three columns to indicate a voter's priority.

One out of every 10 Oakland voters showed signs of confusion about how to vote for mayor using the city's new ranked-choice voting procedure, according to a computer analysis of returns obtained by California Watch.

The confusion was so great that it may have flipped the final results of the extraordinarily tight mayor's race between former state Senate leader Don Perata and city council member Jean Quan, the analysis shows.

The analysis of voter registrar data was performed by an elections expert who is not from Alameda County and not affiliated with any of the candidates or campaigns.

The analyst asked not to be identified by name lest he be caught up in controversy over the election's outcome.

He said that more than 9,700 of the 97,940 Oaklanders who voted in last week's election made mistakes that reflected fundamental misunderstanding about the new system.

"There were a lot more people confused and potentially messing up their ballots than there were votes in the spread" between Perata and Quan, the expert said.

As of Monday, Quan was leading Perata by 1,876 votes, records show. Alameda County Registrar of Voters Dave Macdonald said he's unsure when the vote count will be complete, [the Associated Press reported](http://www.mercurynews.com/news/ci_16557776?nclink_check=1) (http://www.mercurynews.com/news/ci_16557776?nclink_check=1). The election was a week ago today.

Advocates say ranked-choice voting saves taxpayers the substantial cost of holding runoff elections.

The system requires voters to list, in order of preference, three candidates for each office. And in Oakland's election, some voters struggled to figure the system out, the study shows.

The expert's workup shows that 90 percent of the 97,940 participating Oakland voters seemingly understood how ranked-choice voting works.

Of the total, 70 percent listed three candidates in order of preference, as instructed. Another 11 percent listed only their first and second choices, and about 9 percent only marked a first choice.

After that, confusion seemed to set in.

More than 5 percent of voters marked the same candidate for their first, second and third choices, the analysis shows. But a voter can only vote for a candidate once, so for these 4,900 voters those second and third choices went uncounted.

In another sign of confusion almost 1 percent of voters – 924 – cast their third-choice vote for their first-choice candidate, meaning that their third choice went uncounted.

Another 472 voters listed two or more candidates as either their first, second or third preference, canceling out those votes as well.

The voting for mayor was at the back end of a ballot that included elections for governor, U.S. senator and

a long list of other state and local candidates and measures. As perhaps another sign of confusion about ranked-choice voting, 1,304 voters skipped the mayor's vote entirely, the study shows.

In 2004, San Francisco* became the first California city to use ranked-choice voting. This year it was used for the first time in Oakland, Berkeley and San Leandro.

Here are results of analysis:

# Ballots	% Ballots	
97970	100.00%	
41	0.04%	Two or more votes in 1st, 2nd, and 3rd
1	0.00%	Two or more votes in 1st, two or more votes in 2nd, skipped 3rd
18	0.02%	Two or more votes in 1st, 2nd, and vote in 3rd
2	0.00%	Two or more votes in 1st, skipped 2nd, two or more votes in 3rd
15	0.02%	Two or more votes in 1st, skipped 2nd, skipped 3rd
5	0.01%	Two or more votes in 1st, skipped 2nd, vote in 3rd
63	0.06%	Two or more votes in 1st, vote in 2nd, vote in 3rd
7	0.01%	Two or more votes in 1st, vote in 2nd, skipped 3rd
9	0.01%	Two or more votes in 1st, vote in 2nd, same vote as 2nd in 3rd
3	0.00%	Two or more votes in 1st, vote in 2nd, two or more votes in 3rd
1	0.00%	Skipped 1st, two or more votes in 2nd, skipped 3rd
1304	1.33%	Skipped 1st, 2nd, and 3rd
33	0.03%	Skipped 1st, skipped 2nd, vote in 3rd
45	0.05%	Skipped 1st, vote in 2nd, vote in 3rd
59	0.06%	Skipped 1st, vote in 2nd, skipped 3rd
16	0.02%	Skipped 1st, vote in 2nd, same vote in 3rd as 2nd
63	0.06%	Vote in 1st, two or more votes in 2nd, two or more votes in 3rd
99	0.10%	Vote in 1st, two or more votes in 2nd, vote in 3rd
8700	8.88%	Vote in 1st, skipped 2nd, skipped 3rd
145	0.15%	Vote in 1st, skipped 2nd, vote in 3rd
281	0.29%	Vote in 1st, same vote in 2nd as 1st, skipped 3rd
4953	5.06%	Vote in 1st, same vote in 2nd and 3rd as 1st
703	0.72%	Vote in 1st, same vote in 2nd as 1st, different vote in 3rd
69242	70.68%	Vote in 1st, vote in 2nd, vote in 3rd
10245	10.46%	Vote in 1st, vote in 2nd, skipped 3rd
921	0.94%	Vote in 1st, vote in second, same vote in 3rd as 1st

786	0.80%	Vote in 1st, vote in 2nd, same vote in 3rd as 2nd
103	0.11%	Vote in 1st, vote in 2nd, two or more votes in 3rd
14	0.01%	Vote in 1st, two or more votes in 2nd, skipped 3rd
13	0.01%	Vote in 1st, two or more votes in 2nd, same vote in 3rd as 1st
64	0.07%	Vote in 1st, skipped 2nd, same vote in 3rd as 1st
16	0.02%	Vote in 1st, same vote in 2nd as 1st, two or more votes in third

* This corrects a typographical error.

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29 IN THE UNITED STATES DISTRICT COURT
30 FOR THE NORTHERN DISTRICT OF CALIFORNIA
31 OAKLAND DIVISION

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33 UNITED STATES OF AMERICA,

34
35 Plaintiff,

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37 v.

38 ALAMEDA COUNTY, CALIFORNIA;
39 DAVE MACDONALD,
40 REGISTRAR OF VOTERS, in his official
41 capacity; and the ALAMEDA COUNTY BOARD
42 OF SUPERVISORS,

43
44 Defendants.
45

CV Action No. 11 3262

COMPLAINT
THREE-JUDGE COURT
REQUESTED

COMPLAINT

1 The United States of America, Plaintiff herein, alleges:

2 1. This is an action brought to enforce the minority language requirements of
3 Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, in order to secure voting rights
4 guaranteed by the Fourteenth and Fifteenth Amendments.

5 JURISDICTION

6 2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and
7 1345, the Voting Rights Act, 42 U.S.C. § 1973aa-2, and the Declaratory Judgment Act, 28
8 U.S.C. §§ 2201 and 2202.

9 THREE-JUDGE COURT

10 3. In accordance with 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284, the claim under
11 Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, must be heard and determined by a
12 court of three judges.

13 VENUE AND INTRADISTRICT ASSIGNMENT

14 4. The events relevant to this action occurred in Alameda County, California, which
15 is located in the United States District Court for the Northern District of California. 28 U.S.C. §
16 84(a). Pursuant to Civil Local Rule 3-2(d), intradistrict assignment is proper in the San
17 Francisco Division or Oakland Division.

18 PARTIES

19 5. The Attorney General of the United States brings this action on behalf of plaintiff
20 UNITED STATES OF AMERICA. This action seeks declaratory and injunctive relief pursuant
21 to Sections 203 and 204 of the Voting Rights Act, 42 U.S.C. §§ 1973aa-1a and 1973aa-2, and
22 pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

23 6. Defendant ALAMEDA COUNTY ("the County") is a political and geographical
24 subdivision of the State of California and exists under the laws of that State.

25 7. Defendant DAVE MACDONALD, the Alameda County Registrar of Voters, is
26 responsible for conducting County elections, including primary, general, special district, and

COMPLAINT

1 school district elections. Cal. Gov. Code § 26802. Defendant MACDONALD is sued in his
2 official capacity.

3 8. Defendant ALAMEDA COUNTY BOARD OF SUPERVISORS ("the Board") is
4 the governing body of the County with general responsibility for the legislative policies and
5 administration of the County, including but not limited to the primary budgetary authority for the
6 County responsible for the County's expenditure of funds. Cal. Gov. Code § 25252.

7 ALLEGATIONS

8 9. Section 203 of the Voting Rights Act requires that whenever a covered
9 jurisdiction provides "any registration or voting notices, forms, instructions, assistance, or other
10 materials or information relating to the electoral process, including ballots, it shall provide them
11 in the language of the applicable minority group as well as in the English language." 42 U.S.C.
12 1973aa-1a(c). Section 203 contains a formula by which the Director of the Census makes
13 determinations based on census data as to which jurisdictions are covered by these requirements.
14 42 U.S.C. 1973aa-1a(b). These coverage determinations are final and non-reviewable. 42
15 U.S.C. § 1973aa-1a(b)(4).

16 10. Alameda County has been continuously covered by the requirements of Section
17 203, with respect to both Spanish language and Chinese language, since September 18, 1992. 57
18 Fed. Reg. 43,213 (Sept. 18, 1992); 67 Fed. Reg. 48,871 (July 26, 2002).

19 11. Since 1992, the Department of Justice has notified Alameda County election
20 officials regarding the minority election requirements of Section 203 of the Voting Rights Act on
21 numerous occasions.

22 12. On April 13, 1995, the United States filed a lawsuit in the United States District
23 Court for Northern District of California against Alameda County for failing to provide election
24 material and assistance in the Chinese language for limited-English proficient voters in violation
25 of Section 203. *United States v. Alameda County*, C95-1266 (N.D. Cal.). On January 22, 1996,
26 the Court entered a Settlement Agreement and Order, which, among other things, required the

COMPLAINT

1 County to provide Chinese language voting assistance and materials. The Settlement Agreement
2 and Order permanently enjoined Defendants from failing to comply with the requirements of
3 Sections 2 and 203 of the Voting Rights Act. The Settlement Agreement and Order expired on
4 December 31, 2000.

5 13. According to the 2000 Census, Alameda County had a total population of
6 1,443,741, of whom 273,887 (18.9%) were of Hispanic origin and 110,895 (7.6%) were of
7 Chinese origin. In 2000, the voting-age citizen population was 896,918, of whom 106,287
8 (11.9%) were of Hispanic origin and 62,154 (6.9%) were of Chinese origin. Of the voting-age
9 citizens of Hispanic origin, 22,010 (20.7%) were limited-English proficient, while 28,280
10 (45.5%) of the voting age citizens of Chinese origin were limited-English proficient.

11 14. The Hispanic and Chinese populations in Alameda County have grown.
12 According to the 2005-2009 American Community Survey 5-Year Estimates, Alameda County's
13 total population is 1,457,095, of whom 310,688 (21.3%) were of Hispanic origin and 128,891
14 (8.8%) were of Chinese origin. In 2005-2009, the voting-age citizen population was 919,099, of
15 whom 122,686 (13.3%) were of Hispanic origin.

16 CAUSE OF ACTION

17 15. The United States hereby alleges and incorporates by reference paragraphs one
18 through fourteen above.

19 16. Defendants have failed to provide effective election-related information and
20 assistance in Chinese to limited-English proficient voters as required by Section 203 in the
21 following ways:

22 a) Defendants have failed to recruit, appoint, train, and maintain an adequate
23 pool of Chinese-speaking bilingual poll officials capable of providing Chinese-speaking
24 voters with limited-English proficiency necessary and effective language assistance on
25 election day;

COMPLAINT

b) Defendants have also failed to translate and/or properly disseminate certain election-related materials and information in Chinese prior to and during elections, including but not limited to the ballot, voter registration forms, sample ballots, election notices, and the website.

17. Defendants have failed to provide effective election-related information and assistance in Spanish to limited-English proficient voters as required by Section 203 in the following ways:

a) Defendants have failed to train and maintain an adequate pool of Spanish-speaking bilingual poll officials capable of providing Spanish-speaking voters with limited-English proficiency necessary and effective language assistance on election day;

b) Defendants have also failed to translate and/or properly disseminate certain election-related materials and information in Spanish prior to and during elections, including but not limited to the ballot, voter registration forms, sample ballots, election notices, and the website.

18. Defendants' failure to provide limited-English proficient Spanish-speaking and Chinese-speaking citizens of Alameda County with minority language election assistance, materials, and information, as described above, constitutes a violation of Section 203.

19. Unless enjoined by this Court, Defendants will continue to violate Section 203 by failing to provide limited-English proficient Spanish and Chinese-speaking citizens of Alameda County with minority language election information and assistance necessary for their effective political participation.

PRAYER FOR RELIEF

Wherefore, the United States of America prays that this Court enter an order:

(1) Declaring that Defendants have failed to provide Spanish language and Chinese language election assistance, materials, and information to

1 limited-English proficient voters in violation of Section 203 of the Voting
2 Rights Act, 42 U.S.C. § 1973aa-1a;

3 (2) Enjoining Defendants, their employees, agents and successors in office,
4 and all persons acting in concert with them, from failing to provide
5 Spanish language and Chinese language election assistance, materials, and
6 information to voters with limited-English proficiency as required by
7 Section 203, 42 U.S.C. § 1973aa-1a;

8 (3) Ordering Defendants to devise and implement a remedial plan to ensure
9 that voters of Hispanic origin and voters of Chinese origin who are
10 limited-English proficient receive the bilingual assistance, materials, and
11 information they need to fully and effectively participate in the electoral
12 process as required by Section 203, 42 U.S.C. § 1973aa-1a;

13 (4) Authorizing the appointment of federal observers to observe elections held
14 in Alameda County pursuant to Section 3(a) of the Voting Rights Act, 42
15 U.S.C. § 1973a(a).

16 The United States further prays that this Court order such additional relief as the
17 interests of justice may require, together with the costs and disbursements in maintaining
18 this action.

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COMPLAINT

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7 Date: ____ day of ____, 2011

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9 ERIC H. HOLDER JR.
10 Attorney General
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THOMAS E. PEREZ
15 Assistant Attorney General
16 Civil Rights Division
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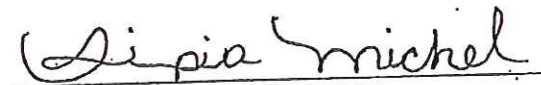
COMPLAINT

1 Date: 30th day of June 2011

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3 Attorney General
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7 THOMAS E. PEREZ
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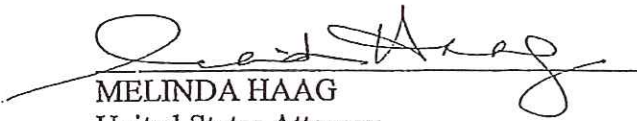
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14 MELINDA HAAG
15 United States Attorney
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7 Date: ____ day of ____, 2011
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COMPLAINT

Thank you for allowing me to comment.

My name is Alan Eft, and I am a registered voter and a resident of Santa Clara.

I would like to encourage the Committee to continue to evaluate the Choice (or 'Single Transferable Voting') option, as a valuable vehicle for electing a Minority Candidate.

As you know, a critical factor in having a successful Minority candidate is to have a greater minority voter turnout. Many minority voters do not vote, or even register because they see their votes as having no value.

With our current City Council Election system (assuming two candidates per position) 49% of the votes are wasted. Wasted votes because they didn't contribute to the election of a winning candidate. If there were more than 2 candidates per position the amount of wasted votes could even be higher.

However, with the Choice voting system, assuming there were 4 Seats to fill, only 17% of the votes would be wasted. Resulting in ^{at least} 32% fewer wasted votes than the current system. That is significant.

However, I will acknowledge that probably the biggest disadvantage of this system is the need for new voting machines or software, but the advantages are significant, and I feel that they outweigh this disadvantage if you are serious about electing a Minority candidate.

Additionally, another change that I feel must be made to the current voting system is to remove the election to specific Seats, and elect candidates to the City Council as a whole. By electing a candidate to the City Council (and not to a specific Seat), it will open up the election to the possibility of a successful minority candidate. If the Election system stays the same and the voters are voting on Seats and not for Council members, the minorities will remain at a disadvantage.

To review the Advantages of the Choice system:

1. There would be fewer wasted votes
2. It would encourage increased voter turnout, and
3. It would provide a greater chance for a successful minority candidate

Thank You.

(Charter Review Committee, Public Presentation, September 22, 2011)

Following email was received on September 14, 2011 from Mr. Alan Eft to forward to the Charter Review Committee

Ms Jennifer Sparacino (City Manager),
Please forward these comments to the Charter Review Committee.

I was able to read the book "Behind the Ballot Box" by Douglas Amy, that Mr. Steve Chessin recommended during his presentation to the Charter Review Committee on September 1st, and I have the following voting system recommendation:

Choice Voting, also known as 'Single Transferable Vote'.

Choice Voting tabulates votes based on the principle that any vote cast that would not otherwise help elect a voter's most preferred candidate will be used to help elect that voter's next-most preferred candidate. Then, if a voter's first candidate choice receives more than enough votes to win, the surplus proportion of that vote will be transferred to the voter's second or succeeding choice. Also, if a voter's first choice candidate is eliminated, that vote instead will be cast for the voter's second or succeeding choice.

The biggest disadvantage of this system (as I see it) is the need for new voting machines/software, but the advantages are significant.

Advantages:

1. Fewer wasted votes
2. Increased voter turn out
3. Better chance for a successful minority candidate
4. Better chance for a successful geographical candidate (such as north of Hwy 101)

In the Nov 2, 2010 election for Council Seats 2 & 5, about 49% of the votes were wasted (they did not contribute to the election of a candidate). Comparing the votes cast during this election it can also be seen that some voters didn't bother voting for all positions. My assumption is that those voters that didn't vote on all positions might not have thought that their votes would count anyway - and there was about a 49% chance that it wouldn't.

An example of the difference Choice Voting would make over the current system: If there were three Seats that were being voted on (such as will occur on the next election), with 6 candidates, and there would be the same number of voters as turned out for the Nov 2, 2010 election, the amount of wasted votes would have only been about 25%. This means that about 24% more voters would have contributed to the election of a candidate.

By increasing the chance that a voter's vote will be sincere and not wasted, a voter should feel that their candidate has a much better chance of being elected. And this should also increase the voter turn out.

Also Appendix D of "Behind the Ballot Box" offers model statutes for adopting Choice Voting that could be used for drafting wording for this legislation. This suggested wording also considers how a vacant Seat would be filled.

Remove election to Council Seats.

Additionally, another change that must be made to the current voting system is removing the election to specific Seats, such as 3, 4 or 7, and electing candidates to the City Council. By electing a candidate to just the City Council (and not to a specific Seat), it will better open up the election to the possibility of a minority candidate being successful. Then the first to go over the threshold of votes to win would be assigned to Seat 3, then next one to Seat 4, and so on.

Respectfully,
Alan Eft
Santa Clara

To the Charter Review Committee:

Given the 2 minute time limit to speak I am choosing here to send something to you in writing and use the time to answer questions.

At the last meeting I mentioned that I didn't think the district approach would work as six districts would be too small and you would have the likelihood of not having any candidates. I have adjusted that view as follows:

Proposal:

Divide the city into 3 districts with 2 Council Members from each district. The number one seats from each district would be elected during the Presidential elections, the number two seats during the Gubernatorial elections. This would require one Council seat shifting election cycles. With the exception of the transition period, or Council appointments, a candidate must reside in the District that they hope to represent. District residencies to be based on the address of their primary home residence. A P.O. Box or a property that they own but not live in (i.e. used for rental) would not qualify as a district residence.

Boundaries:

The original concept would have been based on zip codes 95050, 95051 and 95054. The zip code boundaries are Central Expressway north for 95054 with 95050 and 95051 divided by San Tomas Expressway. Even with the Rivermark/Agnews development the 95054 zip code would have too small a population. The 95051 zip code is the largest by far but the real power base of the city is 95050 which contains the Old Quad area. Using 2010 voter precinct maps and the number of registered voters per precinct I determined that a dividing line of Central Expressway made the north district too small and El Camino Real made it too big. Monroe Street may work best but I don't have the numbers to verify that.

I suggest Monroe Street north for the North district and San Tomas Expressway dividing the Southwest and the Southeast Districts. The North District would be composed of two very different residential areas with very different character and needs, the north of Monroe area and the north of 101 area, separated by a large industrial zone.

Elections:

A candidate to win an office must achieve a majority of the vote. Either a run-off election of the top 2 vote getters or a 2nd choice option would need to be implemented. In the event of no one being elected for a District, the Council may appoint someone to fill the vacancy with preference to someone who resides in the district.

Council Transition (If implemented in time for the 2012 Elections):

The 2012 election will have 3 vacant seats due to term limits. The three to be assigned as the number one seat for each district.

Council members Kolstad and Mahan, if possible, to be assigned to the district they have as their primary residence. If they are both from the same district, one will have to be assigned to another district but will retain eligibility to run for re-election as a candidate for the assigned district.

Councilwoman Gillmor's seat to be converted from the 2 year partial term to a 4 year first term thereby changing election cycles, and be eligible for a 2nd term from the assigned district even if not a resident of that district.

Advantages:

The District approach would lower election related expenses, such as for mailings and signage, and would reduce the number of neighborhoods a candidate would need to walk. The reduced expenses would make it more affordable to run for office making it possible for more candidates to seek office.

Disadvantages:

This would reduce the number of candidates the voter could vote for to only those from that district. You have the possibility of no candidates for a district. There is no guarantee that this process would result in minority membership on the Council.

James Mathre
Santa Clara

Following email was received on September 2, 2011 from James Mathre as follow-up to the September 1, 2011 Charter Review Committee meeting

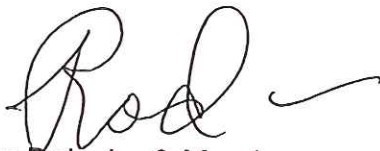
My name is Jim Mathre, a Santa Clara resident since 1983, and have been active in Santa Clara city business for about 15 years.

One of my favorite quotes from a movie came from "GI Jane" where a Pentagon official told a Senator "Let's focus on the steak and not the peas". In other words, lets focus on the real issue and not the extra stuff. Unfortunately the election process is the extra stuff. The real issue is how to get minorities interested in running for office.

In the elections since 2000, a total of 6 council elections, there have been 38 Whites, 1 Hispanic, 4 Asian and no African-Americans. Given that disparity it is not the elections that is the problem, it is getting people to run for office.

Let's look ahead to future elections. 2012 will have 4 Council seats, 3 will be vacant. Best chance to get minorities on the Council for some years ahead. 2014 will have 2 seats with 2 incumbents. 2016 will have 4 seats with 4 incumbents. 2018 will have 2 seats and no incumbents - another good chance, and 2020 will have 4 seats and perhaps no incumbents. After 2012, 2018 will be the next opportunity for open seats. This is all based on people doing maximum terms of office.

There has been some discussion of using the San Jose District plan. Please consider the fact that one San Jose district is about the same size as all of Santa Clara. You divide Santa Clara into 6 districts you could end up with no candidates for a district.



Chairman Delozier & Members,

RECEIVED

AUG 30 2011

CITY CLERK'S OFFICE
CITY OF SANTA CLARA

26 August 2011

Congratulations on being appointed to the 2011 Charter Review Committee. It provides a very special service to our City and its Shareholders. I have served on past Charter Review Committees. For those of you that don't know me, I was the 1st Chairman of the Citizens Advisory Committee, appointed to the City Council in October 1962 and served as Mayor 1964-1965. I left the Council after the election in April 1971, Best wishes on your service.

There are three points that I feel must be addressed at this time

- a. Election by Districts
- b. Final Term Limits
- c. Council Retirement Pay

First, election by district in Santa Clara would not only not solve equal opportunity elections, it makes it worse. I discussed this with a Councilman from San Jose and he said districts make the Councilman like a Mayor for that District and encourages the Councilman to seek expenditures at the expense of other districts. Santa Clarans are BEST served by having each Council member & the Mayor representing them. You may go to any of them for help. The problem with no diversification is not districts, it is a failed term limit system.

Secondly, every one of the Council is finishing two terms, or has already served more than that. Our senior Councilman is in her 18th year. How can any new Candidate hope to be successful against such seasoned campaigners. When I was elected to my 1st term on the Council under the Charter of 1952, I was to serve two terms & retire. Many of our better Councilmen served just one term, like Austen Warburton. Service on the Council was just that and we retired after the 2nd term. All that changed when someone (City Attorney?) falsely said that different numbered seats each had their own term limits. That happened about 1970 when we created the directly elected mayor and numbered the Council Seats. There is NO way service on one Council Seat is different than the next. I recommend you make the two-term absolute, including the Mayor, a separate two terms. Otherwise, as now falsely interpreted that each numbered seat can be for two terms, a person could serve 56 years. We need to prevent that. If we had a valid term limit again, we would have NEW faces on the Council, ostensibly, some of color. Several of you qualify. It is incredible that the minimum service is 8 years and the maximum is 18 years on the present council.

Thirdly, since I left the Council, they have made themselves eligible for government retirement. It was planned in 1952 Charter days that Council Service was short and a dedication to the City. It was not foreseen that Councilmen would retire from City Service. The Council awarded that to themselves, after I left the Council. I feel that is the highest form in self-serving. If the Council is to have a retirement plan, it should be expressly approved in the Charter. I recommend you put the question forward this Charter Review.

I should be pleased to address your Committee to share history or answer questions, if you wish!

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry".

Lawrence L. Fargher
Mayor 1964-1965
(408) 244-7785

CC: Council
City Manager
City Clerk

A handwritten signature in cursive script, appearing to read "Duke", followed by a horizontal line.

SECTION 10

19 August 2011

Dear Charter Review Committee Member *DeLozier*

I would like to personally invite you to my talk on electoral systems 7pm Monday evening, August 22nd, in the City Council chambers.

I realize that there was some confusion at Thursday night's CRC meeting as to whether a CRC member could attend my talk without violating the Brown Act. Not made clear at the meeting is that you can, even if a majority of the CRC shows up. I will explain (see enclosed for the code sections referenced):

Section 54952.2(c)(3) allows you to attend "an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency."

In other words, since this meeting was not organized by the City of Santa Clara, and is open to the public and has been publicized (see below), you may attend, as long as, if a majority of the CRC attends, you do not discuss the presentation amongst yourselves. I plan to give a "Brown Act" reminder at the beginning of my presentation.

Here is a list of places on the web where this meeting has been publicized:

http://www.santaclaraweekly.com/2011/Issue-33/august_2011_Calendar.html

<http://events.mercurynews.com/santa-clara-ca/events/show/205046605-must-santa-clara-switch-to-district-elections>

<http://www.sanjose.com/must-santa-clara-switch-to-district-elections-el356961>

<http://www.zvents.com/z/santa-clara-ca/must-santa-clara-switch-to-district-elections--events--205046605>

<http://missioncitylantern.blogspot.com/2011/08/chessin-lecture-on-santa-clara-district.html>

Should you be unable to attend, I would like to request a meeting (either in person or by telephone) with you at a mutually-convenient time to answer any questions you may have concerning electoral systems. Section 54952.2(c)(1) allows "Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b)." Subdivision (b) prohibits the use of intermediaries to communicate between a majority of the members of the CRC. As I would not be acting as an intermediary, and would not tell one member of the CRC what another member of the CRC said during our conversations, there would be no Brown Act violation.

I would also be willing to answer any questions via email; again, I would not share these communications with other members of the CRC.

If you have any questions, feel free to contact me; my contact information

is below my signature.

The complete Brown Act may be found at:
[http://www.leginfo.ca.gov/cgi-bin/displaycode?
section=gov&group=54001-55000&file=54950-54963](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963)

Another useful reference (from the Attorney General's office) is at:
http://caag.state.ca.us/publications/2003_Intro_BrownAct.pdf
http://caag.state.ca.us/publications/2003_Main_BrownAct.pdf

Sincerely,



Steve Chessin
President, Californians for Electoral Reform
www.cfer.org
steve.chessin@cfer.org
1426 Lloyd Way, Mountain View, CA 94040
(408)-276-3222(w), (650)-962-8412(h)

Enclosed: Government Code Section 54952.2

Government Code Section 54952.2
(Exceptions to the Brown Act)

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA

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Lateefah Simon

June 2, 2011

Santa Clara City Council
1500 Warburton Ave.
Santa Clara, CA 95050

Rod Diridon, Jr.
Santa Clara City Clerk
1500 Warburton Ave.
Santa Clara, CA 95050

Dear City Council Members and City Clerk:

On behalf of Latino and Asian citizens of Santa Clara, I am writing to advise you that the city's at-large election system for its City Council appears to violate the California Voting Rights Act. Despite the significant percentage of Asians and Latinos in the city, they enjoy no representation on the Council, and not one has been elected in over thirty years. Recent data confirm the existence of vote dilution resulting from the at-large system. Consequently, we urge you to convert your at-large system to a district-based system, or other alternative system.

Please contact us at your earliest convenience expressing your commitment to remedy the effects of the discriminatory at-large system. If we do not hear from you soon or you refuse to provide this commitment, we will be left with no choice but to pursue legal avenues. Thank you for your attention to this matter.

Sincerely,



Robert Rubin

cc: Elizabeth H. Silver, Santa Clara City Attorney
Jamie L. Matthews, Santa Clara Mayor

131 Steuart Street
Suite 400
San Francisco, CA 94105
TEL: 415.543.9444
FAX: 415.543.0296
E-MAIL: info@lccr.com
WEBSITE: www.lccr.com

RECEIVED

JUN - 6 2011

OFFICE OF THE MAYOR
CITY OF SANTA CLARA

Mayor and City Council

June 3, 2011

City of Santa Clara

1500 Warburton Avenue

Santa Clara, California 95050

Re Manner of election

RECEIVED

JUN 03 2011

Office of the City Manager
City of Santa Clara

Dear Mayor Mathews and Council Members,

The completion of the 2010 census requires the Council to consider the current manner of electing individuals to the council in light of the California Voting Rights Act. I'm certain City staff has brought this matter to the attention of each of you as individuals or collectively. As provided in Elections Code section 14027, "An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to the outcome of an election." The City Charter provides for an at-large method of election for Council Members.

While there has not been a determination that the ability of any protected class has been impaired by the City's election procedure, a number of California cities have been named as defendants in law suits alleging violation of the CVRA. See, for example, *Sanchez v. City of Modesto*, 145 Cal. App. 4th 660. In the event the election procedure of a city is successfully challenged the CVRA requires the defendant city to pay attorney fee and costs. Further the court is authorized to impose a district based method of election.

Characteristically lawsuits based upon alleged violations of the CVRA are initiated just prior to an election when the city or other governmental entity cannot change its election process. The filing of lawsuits at that time increases substantially the ability of the prevailing party to recover attorney's fees and costs. I have been advised that the City of Modesto has paid plaintiffs who challenged that City's manner of election approximately \$3,000,000, which is in addition to the \$1,700,000 fees for the City's attorneys.

It seems appropriate to suggest that the City initiate actions in the immediate future to study this issue so that if a change in the manner of electing council Members is required or appears desirable, the appropriate election to amend the Charter can occur in June 2012. Obviously, if it is determined that the City should elect council members by district; it will be necessary to establish the boundaries of such districts. This task should involve considerable opportunity for public comment.

This letter is not a request to place this matter on the agenda for Council consideration. It is intended to convey to you, an opinion that City staff should initiate or continue serious consideration of the topic and prepare for Council and public a report describing staff's

conclusions and suggested methods of correcting any portion of the City's election procedures believed to be inconsistent with the CVRA.

It is my firm desire that a review of this matter be concluded in the near future to enable the citizens to participate an election next year meeting the requirements of the CVRA.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Robert T. Owens", with a long horizontal flourish extending to the right.

Robert T. Owens

2984 Aspen Drive

Santa Clara, CA 95051

Cc: City Manager

Cc: Teresa O'Neill

6/14/11

14B

Kimberly Green

From: ed.maurer.1@gmail.com on behalf of Ed Maurer [emaurer@engr.scu.edu]

Sent: Sunday, June 12, 2011 4:35 PM

To: Mayor and Council

Subject: Diversity

Dear Mayor and Council Members,

I was distressed when I read the Mercury News article on the most recent census data, which highlighted the disparity between the City's composition and that of the Council. Last Friday's Mercury News article noted that a legal group has indicated that this may be in violation of the California Voting Rights Act. I was surprised by one sentence: "Santa Clara city leaders wonder why they are being targeted..."

Clearly the current electoral system does not serve to represent the majority of residents; rather than feeling targeted, I would encourage the City Council and Mayor to see the recent attention to this as an opportunity to show statewide and national leadership. The demographic changes Santa Clara has experienced are seen in communities across the country. If we seriously consider concrete changes to our election system that will accommodate the changing ethnic and cultural landscape in innovative ways, we could be a model for other municipalities to follow.

I look forward to your leadership on this important issue.

Sincerely,
Ed Maurer
718 Los Olivos Dr.
Santa Clara, CA 95050

POST MEETING MATERIAL

6/13/2011

Kimberly Green

From: Jashma Kadam
Sent: Tuesday, June 14, 2011 11:24 AM
To: Kimberly Green
Subject: FW: Elected Police Chief and Agenda Item 14B

Importance: High

-----Original Message-----

From: Jashma Kadam
Sent: Tuesday, June 14, 2011 11:20 AM
To: Yvonne Galletta; Carol McCarthy; Jennifer Sparacino
Cc: Jennifer Yamaguma
Subject: FW: Elected Police Chief and Agenda Item 14B
Importance: High

See attached email from Clysta Seney regarding Item 14B on tonight's agenda.

Thanks.
Jashma

-----Original Message-----

From: Clysta [mailto:clysta@iqc.org]
Sent: Tuesday, June 14, 2011 11:15 AM
To: Jashma Kadam
Subject: Elected Police Chief and Agenda Item 14B

Honorable Mayor and Council Members

Regarding Agenda Item 14B

I am unable to attend tonight's meeting. However if action is taken to proceed with a charter review committee for city council members I respectfully ask that the Council include a review of electing a police chief. This is a professional position like the City Manager and should be handled like other cities in California. I believe it is time to relook at this political practice required by our City Charter.

Thank you,

Clysta Seney
307 Los Padres Blvd.
Santa Clara, CA 95050

Carol McCarthy

From: Carol McCarthy**Sent:** Wednesday, July 27, 2011 11:59 AM**To:** 'steve.chessin@gmail.com'**Subject:** Offer to teach the Santa Clara Charter Review Committee about methods for electing a City Council
Dear Mr. Chessin:

Your email to City Manager Jennifer Sparacino regarding the Santa Clara Charter Review Committee, was received. In the email, you offer to give a talk to the Charter Review Committee. I was asked to respond to you.

As you know, a Charter Review Committee is being formed for the purpose of determining if City Charter provisions for the at-large methods of selection of City Council Members should be amended to an alternative system. You have offered to teach the committee about proportional representation and cumulative voting methods, and to also cover at-large and district elections. While your offer is appreciated, these topics will be covered by the Interim City Attorney. If you wish to share information, you may forward it to the Interim City Attorney c/o Executive Assistant Cris Evans at cevens@santaclearaca.gov or at 1500 Warburton Ave., Santa Clara, CA 95050.

The Committee meetings, as noted in the Agenda Report that appeared on the July 12, 2011, City Council Agenda, are public meetings. They will be held from 5:30 to 7 p.m. in the City Council Chambers (except where noted) at 1500 Warburton Ave., Santa Clara, on the following dates: August 18, September 1 (this meeting will be held at Central Park Library, 2635 Homestead Rd.), September 22 and if needed, Sept. 29, 2011. The Charter Review Committee will be making recommendations to the Council for possible revisions to the City Charter, with the Committee's recommendation(s) to appear on the October 11, 2011 City Council Agenda.

Thank you again, Mr. Chessin, for your offer to share your knowledge about these topics.

Sincerely,
Carol McCarthy
Assistant City Manager

cc: Mayor and City Council
City Manager
Interim City Attorney
City Clerk

-----Original Message-----

From: Steve Chessin [<mailto:steve.chessin@gmail.com>] On Behalf Of Steve Chessin

Sent: Friday, July 22, 2011 10:45 PM

To: Manager

Subject: Offer to teach the Santa Clara Charter Review Committee about methods for electing a City Council

Dear Ms. Sparacino:

I understand that the Santa Clara City Council recently approved your recommendation to create a Charter Review Committee (CRC) "to review the City Charter provisions governing the manner of electing members of the Council, gather information, study the issue, and when the study is completed [...] report back to Council with options and recommendations".

While most people are familiar with the at-large and district elections methods of electing a city council, few are familiar with the proportional representation and cumulative voting methods. These methods, widely used

7/27/2011

outside of California and the United States, allow, among other things, the resolution of voting rights issues while maintaining city-wide elections, without the use of districts.

As President of Californians for Electoral Reform, I am very knowledgeable about these methods, and have a standard one-hour presentation that I have given often to teach people about these alternatives to at-large and district elections. (While I do cover at-large and district elections in my talk, most of it is about these less-familiar alternatives.)

As a charter city, Santa Clara has "plenary authority [...] to provide [...] the manner in which [and] the method by which [its] several municipal officers and employees [are] elected" (California Constitution, Article 11, Section 5(b)(4)), and is not restricted to the methods specified in the Elections Code. (For example, your current "numbered seats" system is not mentioned in the Elections Code.) It would be a shame if the CRC were to complete its deliberations without considering all of the options available.

I would be happy to give my talk to the Charter Review Committee at one of its scheduled meetings, or at a special study session scheduled explicitly for that purpose. Please contact me at your earliest convenience as to how this can be arranged.

Sincerely,

Steve Chessin

President, Californians for Electoral Reform www.cfer.org steve.chessin@cfer.org
1426 Lloyd Way, Mountain View, CA 94040 (408)-276-3222(w), (650)-962-8412(h)

Jennifer Sparacino

From: Jennifer Sparacino
Sent: Monday, August 01, 2011 6:26 PM
To: 'rassolis@comcast.net'
Cc: Carol McCarthy
Subject: RE: General thoughts

Thank you for your comments. I will include them as part of the Charter Review Committee materials.

-----Original Message-----

From: Rich Solis [mailto:rassolis@comcast.net]
Sent: Monday, August 01, 2011 10:49 AM
To: Jennifer Sparacino
Subject: General thoughts

Jennifer,

Hope all is well.

Today I find myself writing you very concerned that we as a city are being forced into a position we should not be in because of the threat of a frivolous lawsuit with claims the city council lacks diversity.

Santa Clara has used an at large voting system to elect our mayor and city council for decades with great success focusing on what is best for the city and not a specific people.

As far back as one can remember we have always been a diverse community which still continues today which is one of the reasons this city is so great.

To get a sense of our diversity one only need look at the makeup of our appointed commissioners as well as the city employees, extremely diverse.

Going forward I have had a chance over the last several weeks to really review this issue and would like to share my thoughts with you.

- 1) Our at large election process is open to all.
- 2) The at large process allows the city to focus on the city and ALL it's resident needs, not a specific people.
- 3) Being an open process anyone whether it be an individual or group has the opportunity to be heard or present candidates to run for office within our city.

With that said I believe some changes should take place and would like to propose the following. I believe these changes will go a long way to putting this issue to rest and would be mutually beneficial to all concerned.

The first area that I would like to address is the selection process for filling vacancy's on the city council.

The current system that has been in place may have served the city well in the past but going forward I feel real reform of this process needs to be enacted.

Proposal

Process For Filling City Council Vacancies (Overview)

First Option To Fill The Open Seat:
Highest Vote Getter who was not elected is offered the open seat first.

Second Option To Fill The Open Seat:

In the event that the highest vote getter who was not elected turns down this opening then the second highest vote getter is offered the open seat.

Third Option To Fill The Open Seat:

In the event that option one or option two are not viable options then the third option will be enacted. Option three, simply put, takes the remaining individuals that did run during the election as well as any Santa Clara residents seeking to fill the open council seat the opportunity to submit a request for interview. Once the requests are received within the time frame allotted it will be up to a committee of three which will consist of the City Manager, City Attorney and City clerk to select the individual to fill the council opening.

The second area that I would like to address is limits on service by the mayor and council members.

Currently we have a council member who served eight years as mayor and now is beginning what will probably be another two terms as a council member meaning that this person will be serving total of 24 consecutive years on this council. You couple that with others on the council that are in the middle of the same trend it's far beyond time to set some limits on time served to open up the every process that has come under fire. The following is an proposed overview of the suggested reforms that I feel will help to eliminate any future problems as we face today.

Proposal

To reform our current limits on service as it pertains to the mayor and council. No one person should be allowed to make a career of serving as mayor or council member.

1) Mayor Service: Maximum of eight years of service (Period) Once eight years are served he or she may not run again.

City Council Service: Maximum of eight years of service (Period) Once eight years are served he or she may not run again.

I'm perfectly aware that many will oppose these reforms but I feel strongly that the above proposed reforms will go a long way to solving the current situation that we find ourselves in as a city and should deter any other such claims in the future.

Just my thoughts.

I look forward to any and all comments you might have.

Rich Solis
(408) 242-5543
Santa Clara Resident
rassolis@comcast.net